

AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 9, 2008

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-25270 - APPLICANT: VENTURE DEVELOPMENT
GROUP - OWNER: SAITTA FAMILY TRUST**

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to all minimum requirements under LVMC Title 19.04.010 for Restaurant (With Drive-Through) use, including parking requirements.
2. Conformance to the conditions for Rezoning (Z-76-98) and Site Development Plan Review [Z-64-95(2)], if approved.
3. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Special Use Permit for a Restaurant (with Drive-Through) at the northwest corner of Tenaya Way and Sky Pointe Drive.

The subject proposal meets all Town Center Development Standards for the Restaurant (with Drive-Through) use. This use is compatible with the surrounding area and the proposed development is in keeping with the objectives and goals of the SC-TC (Service Commercial Town Center) Special Land Use Designation; approval of this request is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
09/14/98	The City Council approved a Special Use Permit (U-86-98) for Gasoline Sales and the Off-Premise sale of Beer and Wine in conjunction with a proposed Convenience Store. Planning Commission and staff recommended approval.
09/14/98	The City Council approved a Site Development Plan Review [Z-64-95(2)] for on property located north of Ann Road, between U.S. 95 and Tenaya Way, for a proposed 114,798 square-foot Retail Shopping Center, C-2 (Limited Commercial) and R-E (Residence Estates) Zones under Resolution of Intent to C-1 (Limited Commercial) on 11.38 Acres. Planning Commission and staff recommended approval.
12/07/98	The City Council approved a Rezoning (Z-76-98) of this site to T-C (Town Center District) as part of a larger overall request.
12/06/07	The Planning Commission recommended approval of companion item SDR-25271 concurrently with this application. The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #33/jm).
<i>Related Building Permits/Business Licenses</i>	
There are no related building permits or business licenses that pertain to this site.	
<i>Pre-Application Meeting</i>	
10/10/07	A pre-application meeting was held with the applicant. The applicant was informed that the request would require a Site Development Plan Review and a Special Use Permit for Restaurant with Drive Through per Town Center Development Standards. The applicant was also informed that the parking lot designated for the new employee parking lot for the automobile dealership to the west would not require an amendment to the automobile dealership's approved Site Development Plan Review and a Major Modification of Town Center Land Use as it was to be used for employee parking and not for automobile inventory parking. Submittal requirements were then discussed in detail.

Field Check	
11/01/07	A field check was made on site. The proposed site is part of a commercial subdivision with only a small portion on the southeast that is developed with a convenience store with gas pumps. The proposed site plan is on the undeveloped portion of the commercial subdivision, which is primarily flat in grade.

Details of Application Request	
Site Area	
Gross Acres	6.05

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	SC-TC (Service Commercial – Town Center)	T-C (Town Center)
North	Single Family Residential	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)
South	Tavern and Offices	SC-TC (Service Commercial – Town Center)	T-C (Town Center)
East	Single Family Residential	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)
West	Automobile Dealership	SC-TC (Service Commercial – Town Center)	T-C (Town Center)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan			
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
T-C Town Center District	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Town Center Development Standards, the following standards apply:

Standard (SC-TC)	Required/Allowed	Provided	Compliance
Min. Setbacks <ul style="list-style-type: none"> • Front • Side • Corner • Rear 	15 Feet 10 Feet 15 Feet 20 Feet	20 Feet 10 Feet N/A 49 Feet	Y Y Y Y
Max. Building Height	2 stories	1 story, 34 feet*	Y*
Trash Enclosure	Screened, roofed	Screened, roofed	Y
Mech. Equipment	Screened	Screened	Y

**The proposal meets Title 19.08 Residential Adjacency Standards for height.*

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Child Care Center	25,000 SF, 25 staff, 200 children	1 per staff, 1 per 10 children	45				
Restaurant with Drive Through	3,000	1:100	30				
Retail Store, (3,500 SF or More)	7,500	1:175	43				
Existing General Retail Store	4,193		13*				
Subtotal			125	6	130	6	
TOTAL			131	6	136	6	Y
Loading Spaces			2		2		Y

**The existing 4,193 square-foot General Retail Store is parking impaired as defined in Title 19.10. The parking standards provided in the approved Special Use Permit (U-86-98) required the Convenience Store to provide 13 parking spaces.*

ANALYSIS

The subject property has a general plan designation of TC (Town Center). This is intended to be the principal employment center for the Northwest and is a mixed-use development category. As compatibility allows, a mix of uses can include: mall facilities; high-density residential uses; planned business, office and industrial parks; and recreational uses. The zoning of T-C (Town Center) with a SC-TC (Service Commercial-Town Center) special land use designation complies with this designation. Projects located within the Town Center area are subject to the Town Center Development Standards as well as Title 19.

Restaurant (with Drive-Through) uses are allowed within a SC-TC (Service Commercial-Town Center) special land use designation under the T-C (Town Center) zoning district with approval of a Special Use Permit. The proposed use is appropriate for the area and will be part of a proposed 34,500 square-foot retail center.

Minimum Requirements of Approval for a Restaurant (with Drive-Through) use in a SC-TC (Service Commercial-Town Center) special land use designation are:

- a. Reviewed and Conditioned on a case-by-case basis.

Additionally, the Town Center Development Standards provide “Standards for Specific Uses and Activities” that impact this use as follows:

The design of fast food restaurants within Town Center shall be integrated with other structures along streets. Exterior walls of all fast food buildings are to be designed as part of the architectural form of the main building or surrounding buildings. The intent is to minimize the fast food appearance through designs which conform to the accompanying development’s general architectural features. The following standards apply:

1. When part of a larger structure, standard setback requirements shall apply to the fast food businesses.
2. When fast food buildings are freestanding structures, they shall be setback an additional 10 feet from the required setback to provide a more substantial landscape buffer.
3. To further enhance the presence of fast food enterprises, drive-through lanes shall not wrap around more than two sides of the building, and cannot encroach upon the required landscaping.
4. Outdoor dining areas may encroach into the required additional 10-foot wide landscaped area.

The proposed Restaurant (with Drive-Through) use meets the minimum requirements of approval per the Town Center Development Standards including the standards for specific uses. Due to the compatibility of this use within the proposed retail center and with the surrounding present and future land use designations, staff is recommending approval of this Special Use Permit.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed development is consistent with city standards and is compatible with existing development in the Town Center plan area.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The project is located near the intersection of Tenaya Way and Sky Pointe Drive, where the Town Center Development Standards encourages the placement of commercial establishments and similar uses.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

Access to the development is via Tenaya Way, an 80-foot Secondary Collector defined in Master Plan Streets and Highways and Sky Pointe Drive, a 90-foot Town Center Frontage Road. The development should not have an adverse effect on the capacity of the street.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

Approval of the development should not prove to be detrimental to the overall health, safety and public welfare.

5. **The use meets all of the applicable conditions per Title 19.04.**

The use meets all applicable condition of the Town Center Development Standards.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 10

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 399 by City Clerk

APPROVALS 0

PROTESTS 0